

00862.003003.2

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

OSAMU MORITA, et al.

Application No.: 10/615,985

Filed: July 10, 2003

For: LIQUID CONTAINER,  
CARTRIDGE INCLUDING  
LIQUID CONTAINER,  
PRINTING APPARATUS  
USING CARTRIDGE AND  
LIQUID-DISCHARGE  
PRINTING APPARATUS

Examiner: J. Stephens

Group Art Unit: 2853

January 28, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST TO WITHDRAW ERRONEOUS  
NOTICE OF NON-COMPLIANT AMENDMENT  
AND  
REQUEST FOR CREDIT TO TERM ADJUSTMENT

Sir:

Applicants have received a Notice of Non-Compliant Amendment dated January 14, 2004 indicating that the Preliminary Amendment filed July 19, 2003 was non-compliant because "each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified."

In fact, the Amendment was filed in conformity with the rules in effect at the time of filing. The effective date for the revised amendment practice was July 30,

2003. As indicated by the Deputy Commissioner in his Notice published in 38 Official Gazette, September 23, 2003:

“Amendments submitted prior to July 30, 2003 in compliance with the previous version of 37 C.F.R. § 1.121 ... will be accepted.”

Accordingly, since the Amendment as filed was fully in compliance with the rules in effect at the time of its submission, and since the Deputy Commissioner's Notice indicates that such Amendments “will” be accepted, the Notice of Non-Compliance was erroneous and should be withdrawn.

It is further requested that Applicants be credited with any PTO delays caused by erroneous handling of this paper, in calculations of term adjustment for any patent that issues from this application.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
Attorney for Applicants

Registration No. 32622

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200

CA\_MAIN 76512 v 1